

REMARKS

Claims 1-4, 9-13, 15-18, and claims 22-28 are pending in this application. In this Response, Applicants have amended claim 1 in an effort to clarify the invention featured therein. As no new matter has been added, Applicants respectfully request entry of these remarks at this time.

THE REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 1-4, 9-12, and 22-25 were rejected again under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent No. 5,783,293 to Lammi (“Lammi”) in view of U.S. Patent No. 5,823,890 to Maruko *et al.* (“Maruko”) and U.S. Patent No. 5,427,378 to Murphy (“Murphy”) as set forth on pages 2-5 of the Office Action. Claims 15-17 and 26-27 were also rejected under 35 U.S.C. § 103(a) as obvious over Lammi in view of Maruko and Murphy for the reasons provided on pages 5-7 of the Office Action. Furthermore, claims 18 and 28 were rejected under 35 U.S.C. § 103(a) as obvious over Lammi in view of Maruko and U.S. Patent No. 4,998,734 to Meyer (“Meyer”) as provided on pages 7-8 of the Office Action. None of the cited references disclose or suggest the present invention for at least the reasons that follow.

As a threshold matter, Applicants renew and incorporate the arguments made in the January 19, 2010 Response to Final Office Action. In particular, none of the cited references disclose or suggest a single multi-color layer. As shown generally below in Fig. 9, the invention featured in the pending claims uses two materials that flow independently through an injection nozzle to form a single layer of a golf ball.

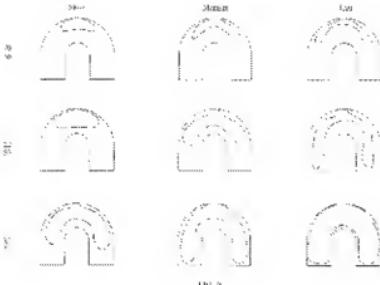


FIG. 9

In fact, as explained in greater detail in the Written Description, the insertion rates of the two materials vary from each other in an effort to control the shape of the volume of the material. *See, e.g.*, Paras. 0090-0094 of U.S. Patent Pub. No. 2004/0178534.

The Examiner appears to realize that Lammi discloses a sandwich structure, and, thus, fails to disclose or suggest a *single* multi-color layer. Office Action at Page 3. In an attempt to remedy this deficiency, the Examiner cites Maruko. *Id.* In doing so, the Examiner asserts that “it should be noted that *together* the colored inner and outer *layers* of Maruko et al constitute a single multi-color layer.” Office Action at Page 3 (emphasis added). Applicants respectfully submit that this rationale is an affront to logic. In fact, by definition, a multi-layer component of a golf ball is not a single layer, as presently recited. As such, any attempt to combine Maruko and Lammi would not result in a single multi-colored layer, as presently recited. Rather, assuming for the sake of argument that a person of ordinary skill in the art would have even been motivated to combine Lammi and Maruko, the combination would simply result in multiple layers possibly having different colors.

The Examiner further asserts that the “instant specification recites that a multi-color layer is comprised of a first material divided into an inner layer and an outer layer by an injected intermediate layer of a second material... The multi-color layer is made up of three layers.” Office Action at Page 2. However, the portion of the specification the Examiner refers to is devoid of any mention of a multi-color layer. For example, page 9, lines 15-17 (the portion relied on by the Examiner) actually states:

The present invention is also directed towards a golf ball having a multi-layer cover formed by the process herein described. The first material is divided into an inner layer and an outer layer by an injected intermediate layer of a second material.

Applicants submit that this cited passage is illustrative of one of the many embodiments (timing schemes) described in the instant specification. However, this particular timing scheme is not employed when making a multi-color layer, as presently claimed. As such, the narrow interpretation of the Examiner appears to completely ignore Applicants' disclosure regarding other possible injection schemes. *See, e.g.,* Page 15, line 3 to Page 16, line 29. The appearance of the ball will depend on the specific injection timing used. *Id.* In fact, according to several possible injection schemes, the outer layer may be formed from two materials. For example:

The difference in the appearance of the golf ball products may be accentuated if the first and second materials are of differing colors. For example, the first material, or a first portion of a common material, may be provided with a first pigment additive and the second material, or a second portion of a common material, may be provided with a second pigment additive, the second pigment additive being of a different color than the first pigment additive. Depending on the specific injection timing scheme used, the pigments will end up at different positions on the golf ball product. This allows a variety of novel golf ball designs to be created. FIG. 8 shows pole views of several golf ball products with exemplary color distributions that can be achieved through the aforementioned injection timing schemes. Again, innumerable other designs are possible. While any desired pigments can be used, one pigment is preferably substantially white and the other pigment is preferably colored other than white, a preferred color being fluorescent yellow. Preferably, the first material or portion forms approximately 10% to approximately 90% of said layer.

See, e.g., Page 16, lines 17-29 (emphasis added). As such, a single multi-color layer may be formed.

Given the limited purpose for which the Examiner cites Murphy and Meyer (light reflective particles and a translucent layer, respectively), both references fail to remedy the deficiencies of Lammi and Maruko discussed above. Accordingly, no combination of the cited references disclose or suggest a *single* multi-color layer of a golf ball.

In light of the foregoing, none of the cited references alone, or in any combination, renders obvious the present invention. Applicants thus respectfully request reconsideration and withdrawal of the §103 rejections based thereon.

CONCLUSION

All claims are believed to be in condition for allowance. If the Examiner believes that the present remarks still do not resolve all of the issues regarding patentability of the pending claims, Applicants invite the Examiner to contact the undersigned attorneys to discuss any remaining issues.

No fees are believed to be due at this time. Should any fee be required, however, please charge such fee to Hanify & King, P.C. Deposit Account No. 50-4545, Order No. 5222-114-US01.

Respectfully submitted,
HANIFY & KING
Professional Corporation

Dated: June 17, 2010

By: /s/

Stephanie D. Scruggs, Registration No. 54,432
HANIFY & KING
Professional Corporation
1055 Thomas Jefferson Street, N.W., Suite 400
Washington, D.C. 20007
(202) 403-2105 Telephone
(202) 429-4380 Facsimile